

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re ) Case No. \_\_\_\_\_  
)  
) NOTICE OF MOTION TO  
) VALUE PROPERTY PURSUANT  
) TO 11 U.S.C. §506 AND AVOID  
) WHOLLY UNSECURED LIEN IN  
Debtor(s) ) A CHAPTER 13 CASE

A motion, COPY ATTACHED, was filed by the debtor to value property and avoid a wholly unsecured lien in a Chapter 13 case (as provided by 11 U.S.C. §506(d)) held as collateral by the secured creditor whose name and address for mailing (see Fed. Bankruptcy Rule 7004) are:

The name, address, and telephone number of the debtor's attorney (or debtor, if no attorney) are:

The debtor's address and Taxpayer ID#(s) (last 4 digits) are:

If you wish to resist the motion you must, within 28 days of the service date shown below, file both a written response, and a certificate showing a copy of the response has been served on the person named above, with the Clerk of the Bankruptcy Court.

Contents of Response - A response must state the facts upon which the motion is resisted.

If you file a timely response, and the Court requires a hearing, all parties will be given notice of the hearing date, time, and location.

Failure to Respond - If no timely response is filed, the court may sign an ex parte order, submitted by the debtor, granting the motion.

Filing Address - If the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave #700, Portland OR 97204; or if it begins with "6" or "7", mail to 405 E 8th Ave #2600, Eugene OR 97401. ECF participants must file electronically.

Clerk, U.S. Bankruptcy Court

I certify that, pursuant to FRBP 7004, on \_\_\_\_\_, copies of both the above Notice and the Motion were served on the trustee and creditor at the address listed above.

\_\_\_\_\_  
Signature (OSB # if attorney)

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 ) MOTION TO VALUE  
 ) PROPERTY PURSUANT TO  
 ) 11 U.S.C. §506 AND AVOID  
 ) WHOLLY UNSECURED LIEN  
Debtor(s) ) IN A CHAPTER 13 CASE

Debtor moves to avoid a lien on real property referenced below, and alleges as follows:

1. Name and address of lienholder whose lien is to be avoided:
2. Address and legal description (attach exhibit if necessary) of real property to which lien attaches:
3. Recording information regarding lien to be avoided:
  - (A) Recorded in \_\_\_\_\_ County, State of \_\_\_\_\_;
  - (B) Date recorded \_\_\_\_\_; and
  - (C) Reference No./Book No./Reel No./Other Identifying Reference \_\_\_\_\_
4. Date petition filed: \_\_\_\_\_
5. Value of property as of petition date: \$ \_\_\_\_\_
6. Name(s) of senior lienholder(s):
7. Present balance owing to senior lienholder(s) on petition date excluding any precomputed interest or other unearned charges: \$ \_\_\_\_\_
8. No equity in debtor's property exists to which the lien referenced above can attach.
9. In light of the foregoing, and pursuant to 11 U.S.C. §§506(d) and 1322, debtor is entitled to avoid the lien referenced above so that it no longer remains a lien against debtor's real property.

Debtor's or Debtor's Attorney's Signature OSB #

Address

Telephone Number

## **EXHIBIT 'A'**

### **Parcel I:**

A tract of land in Lot 15, SPENCER HOMESTEAD, in Section 16, Township 1 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point in the center of SW 145th Avenue (County Road No. 228) at the Northwest corner of said Lot 15; thence North 89°34' East, along the North line of said Lot 15, a distance of 193 feet to a point; thence South 0°01' West, 50 feet to the true point of beginning; thence South 0°01' West, 116.86 feet to a point; thence South 89°24' West, 70 feet parallel to the North line of said Lot 15, to a point; thence North 0°01' East, 116.86 feet parallel to the East line hereof to a point; thence East 70 feet parallel to the South line hereof to the true point of beginning.

### **Parcel II:**

A non-exclusive easement for roadway purposes over the following described 50 foot strip of land, to wit:

A tract of land in Lot 15, SPENCER HOMESTEAD, in Section 16, Township 1 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

Beginning at a point in the center of SW 145th Avenue (County Road No., 228) at the Northwest corner of said Lot 15; thence North 89°24' East, along the North line of said Lot 15, a distance of 193 feet to a point; thence South 0°01' West, 50 feet to a point; thence South 89°24' West, 193 feet to a point in the center of said SW 145th Avenue; thence North along the said center line 50 feet to the true point of beginning.

EXCEPTING THEREFROM that portion lying within SW 145th Avenue (County Road No. 228).